

DEC 06 2004

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:  
Richard James Axe } Confirmation No. 9928  
Serial No. 10/646,656 } Examiner Marc E. Norman  
Filed: August 21, 2003 } Group Art Unit 3744  
For: Valves } Attorney Docket 1-24694

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Honorable Sir:

The following is a statement of the cause of the unintentional delay which resulted in abandonment of the above application.

On September 19, 2004, applicant's undersigned attorney prepared a response to a May 20, 2004 office action. The response was dated September 20, 2004 and was given to a secretary for completion and mailing. The secretary prepared a receipt post card, signed the certificate of mailing on September 20, 2004 and prepared file copies of the documents. By mistake or carelessness, the secretary then placed the original office action response in the file without mailing to the PTO, informed our docket clerk that the response had been mailed, and then filed the file to await further action.

On December 6, 2004, applicant's attorney received a telephone call from Examiner Norman inquiring if the application was abandoned or if a response was lost in the mail or in processing by the PTO. On reviewing the file, the unintentional failure of the secretary to mail the office action response which resulted in the abandonment was discovered.

It is respectfully submitted that the abandonment was unintentional.  
Accordingly, it is requested that the application be revived and that the office action response be considered.

Respectfully submitted,

By Oliver E. Todd, Jr.  
Oliver E. Todd, Jr.  
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